

REMARKS

Claims 1-12 were pending in the application. Claims 1-5 and 7-12 have been amended. Claim 6 has been canceled. Claim 13 has been added. Therefore, claims 1-5 and 7-13 are pending and submitted for reconsideration.

The Examiner's indication that claims 4-6 contain allowable subject matter is greatly appreciated.

Objections

The drawings are objected to for failing to show every feature specified in the claims. Specifically, the Office Action refers to claim 10. Claim 10 has been amended where appropriate and, therefore, reconsideration and withdrawal of the objection are respectfully requested.

The specification is objected to for a minor informality. Paragraph 30 has been amended where appropriate and, therefore, reconsideration and withdrawal of the objection are respectfully requested.

35 U.S.C. § 112 Rejection (Claims 4-6)

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 4 has been amended where appropriate. Reconsideration and withdrawal of the rejection are respectfully requested.

Prior Art Rejections

Hiramatsu and Maierhofer (Claims 1-3 and 7)

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,313,690 ("Hiramatsu"). Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu in view of U.S. Patent No. 6,676,057 ("Maierhofer").

Claim 1 has been amended to include the subject matter of claim 2. Claim 2 has been canceled.

The Office Action states that Hiramatsu does not disclose “a driving belt fastened at both ends to the coupling sleeve, and wherein in the driving belt is partially wound up on the coupling sleeve and runs around the gas generator when the belt-buckle tightener is not operating” as called for in amended claim 1. *See* Office Action at p. 4. The Office Action contends that Maierhofer discloses such elements and that it would have been obvious to one of ordinary skill to modify Hiramatsu with the teachings of Maierhofer. *See* Office Action at p. 5.

Maierhofer, however, is not “prior art” to the present application. Maierhofer and the present application are both assigned to Takata-Petri (Ulm) GmbH. Maierhofer was filed on April 24, 2002 and published on October 24, 2002. Thus, Maierhofer only qualifies as prior art under 35 U.S.C. 102(e). However, under 35 U.S.C. 103(c), prior art classified in 35 U.S.C. 102(e) cannot be used against a commonly assigned application. Therefore, the rejection is improper and should be withdrawn. Claims 1, 3 and 7 are respectfully submitted to be in condition for allowance.

Hiramatsu, Watanabe, Wier and Kopetzky (Claims 8-12)

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu in view of U.S. Patent No. 5,634,690 (“Watanabe”). Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu in view of Watanabe and further in view of U.S. Patent No. 6,732,966 (“Wier”). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramatsu in view of U.S. Patent No. 5,588,677 (“Kopetzky”).

Claims 8-12 depend from claim 1. The rejections should be withdrawn at least because the references, taken together or separately, fail to disclose, teach or suggest “a driving belt fastened at both ends to the coupling sleeve, and wherein in the driving belt is partially wound up on the coupling sleeve and runs around the gas generator when the belt-buckle tightener is not operating” as called for in amended claim 1. The Office Action admits that Hiramatsu does not disclose, teach or suggest the claimed elements. *See* Office Action at

p. 4. Watanabe, Wier and Kopetzky fail to cure the deficiencies of Hiramatsu and, therefore, reconsideration and withdrawal of the rejection of claims 8-12 are respectfully requested.

Claim 13

New claim 13 depends from claim 1 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in this dependent claim.

Conclusion

Favorable reconsideration of the application, as amended, is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

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